

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EPIC GAMES, INC.,

Plaintiff and Counter-Defendant,

v.

APPLE INC.,

Defendant and Counterclaimant.

Case No. 4:20-cv-05640-YGR

**ORDER REGARDING ADDITIONAL
WITNESSES FOR EVIDENTIARY
HEARING**

TO ALL PARTIES AND COUNSEL OF RECORD:


The Court is in receipt of Epic Games, Inc.'s letter regarding three Apple, Inc. employees—Marni Goldberg, Rafael Onak, and Kunnal Vij—that Epic intends to call as witnesses in the evidentiary hearing scheduled to resume next Monday, February 24, 2025. (Dkt. No. 1235.)

Epic has provided the correspondence between the parties in attachments to its letter to the Court. In short, Apple's position is unreasonable. It is entirely untenable that Apple would not expect Epic to call additional witnesses to testify with respect to the documents that the Court ordered be produced in connection with this hearing. Further, Apple's assertions that Epic's request is untimely are baseless: by all accounts, should Apple have engaged in appropriate privilege designations during its initial review, Epic could have had a full view of responsive, nonprivileged documents months ago and could have identified witnesses at that time.

The Court **ORDERS** that Apple make Marni Goldberg, Rafael Onak, and Kunnal Vij available for testimony at next week's evidentiary hearing.

IT IS SO ORDERED.

Dated: February 18, 2025


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT JUDGE